

POLICY AND RESOURCES COMMITTEE

19 MARCH 2018

PART I - DELEGATED

5. PUBLIC SPACES PROTECTION ORDER - VARIATION TO ORDER REQUIRING DOGS TO BE KEPT ON A LEAD (DCES)

1. Summary

- 1.1 To seek authorisation to go out to formal consultation on making a variation to the existing Public Spaces Protection Order (PSPO) relating to dogs in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”). The variation would be to include the public rights of way that run through land owned by The Grove, Watford in the ‘dogs must be kept on a lead’ restriction already in place for the area directly surrounding the café at The Aquadrome.

2. Details

- 2.1 There have been 4 separate incidents involving a dog injuring a person reported to Hertfordshire Police in the last 3 months that have all taken place on the public rights of way that run through the land owned by The Grove.
- 2.2 The footpaths are used by a variety of the general public including joggers, walkers and bird watchers, as well as being a popular area for dog owners to take their dog(s) for exercise.
- 2.3 Guests staying at The Grove also have access to and frequently use the grounds during their stay.
- 2.4.1 Section 61(1) of the Act allows a local authority to vary an order. It states:
Where a public spaces protection order is in force, the local authority that made the order may vary it -
(a) by increasing or reducing the restricted area
(b) by altering or removing a prohibition or requirement included in the order, or adding a new one.
- 2.4.2 Section 61(2) states:
A local authority may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met.
- 2.4.3 Condition 1 (59(2)) that
the activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality.
- And condition 2 (59(3)) that
it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- 2.4.4 In accordance with Section 61(5), where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.
- 2.4.5 By virtue of section 72, before introducing a PSPO or variation to an existing order, the Council is obliged to carry out consultation with the chief officer of

police, the local policing body, community representatives and owners/occupiers of land covered within the order. A full consultation with all of the mentioned agencies was undertaken in 2015 when the original order was proposed. Officers suggest a consultation to the public is carried out as the local policing body and the land owners have given a verbal agreement to this proposal. The suggested time for a consultation is 4-6 weeks.

- 2.5 It is envisaged the consultation can be publicised through the Council's website, Facebook, Twitter, Owl and press releases to local media. Notices can also be placed at entry/exit points of the footpaths and hard copies delivered to properties within and around the restricted area.
- 2.6 Officers suggest the restriction begins from the white footbridge (coming from Hempstead Road) as shown on Appendix 1 and highlighted in red, as this is an easy landmark for the public to recognise. It is also suggested that the network of footpaths, also shown on Appendix 1, are included in the restriction as the footpaths are linked together but all have different identification numbers. Including the whole network will make it simpler for the public to identify when they are in a restriction zone, thus avoiding un-necessary confusion.
- 2.7 The footpaths that the proposed variation refers to are:
(i) Footpath Sarratt 050 and
(ii) Footpaths Sarratt 070, Sarratt 071, Sarratt 074, Sarratt 076, Sarratt 077, Sarratt 077A and Sarratt 078.

3. Options/Reasons for Recommendation

- 3.1 The number of reported incidents in a short timeframe indicates that this is an area of concern with regards to irresponsible dog owners. The PSPO in force does include a restriction where dog owners can be directed to put their dogs on a lead by an authorised officer if their dog is considered to be causing a nuisance or acting aggressively. However, an officer has to be present to witness these incidents as they happen.
- 3.2 Action in the form of Community Protection Notice Warnings (CPNW) and Community Protection Notices (CPN) can be taken in some cases and action may be taken in some cases using the Dangerous Dogs Act 1991, but only if the dog owner is known. In most circumstances the dog owner is unknown meaning enforcement action cannot be taken.
- 3.3 The Grove is keen to work with the police and local authority. They have many high profile guests staying who have full use of the facilities including the grounds. The England football team train there and they host international sporting tournaments such as PGA Golf. The Grove was also the chosen venue for the Bilderberg meeting where it hosted international Government Officials. The safety of their guests is paramount to them and they are willing to explore all avenues to reduce risk of injury, especially from external sources. Any negative publicity relating to a guest being injured by a dog whilst on their grounds would have a detrimental effect on their reputation.
- 3.4 Officers and the police are concerned there is risk of a serious incident occurring if measures are not put in place in the area. Requiring all dogs to be kept on a lead when on the footpaths will reduce the risk and offer better protection to all members of the public using the footpaths as well as guests and visitors to The Grove.
- 3.5 The alternative would be to not add this variation, rely on existing legislation and risk a serious incident occurring.

4. Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are not within the Council's agreed policy and budgets.
- 4.2 The purpose of this proposed policy is to address dog anti-social behaviour due to irresponsible dog owners.
- 4.3 Officers propose to approach The Grove to fund the cost of the additional signage if the consultation for the variation is agreed. The template for the signs is already with the supplier used for the original signs so the new signage will be in line with existing signage.

5 Customer Services Centre and Public Health Implications

- 5.1 None specific.
6. Financial Implications
- 6.1 Offences under a PSPO can be dealt with by issuing a Fixed Penalty Notice (FPN) of up to £100. The current FPN penalty for the existing PSPO is £75 and it is suggested the same level is kept.
- 6.2 There will be minimal cost associated with going to consultation.

7. Legal Implications

- 7.1 The Legal Department have been consulted on the proposed variation to the order.
- 7.2 It is essential that all procedural requirements for making the variation are followed including consultation and publication to ensure the variation cannot be subsequently challenged.
- 7.3 Incidents leading to unpaid FPNs would be referred to the Legal Department.

8. Equal Opportunities Implications

- 8.1 It is proposed that Assistance dogs will be exempted as in the existing PSPO

Relevance Test

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	N/A

9. Staffing Implications

- 9.1 Existing Enforcement Officers within Environmental Protection, Environmental Health and the Police Community Support Officers (PCSOs) will continue to be utilised.
- 9.2 Officers will suggest that grounds staff employed by The Grove who are based on site be trained and authorised to issue FPNs (costs to be covered by The Grove). This will reduce additional areas to cover for existing Council Enforcement Officers.

10. Environmental Implications

- 10.1 Adding the variation to include the footpaths running through land owned by The Grove to the existing order requiring dogs to be kept on a lead will help to prevent bad behaviour from dogs escalating to a situation where a person or pet may be seriously injured.

11. Community Safety Implications

- 11.1 The variation to the existing PSPO will aid to ensuring all members of the community using the footpaths are protected from irresponsible dog owners failing to exercise control over their dogs.

12. Communications and Website Implications

- 12.1 Any Committee decision will be posted on the Council's website along with other information on the Anti-Social Behaviour, Crime and Policing Act 2014.

13. Risk Management and Health & Safety Implications

- 13.1 There are no risks to the Council in agreeing the recommendations.
- 13.2 Not agreeing to the recommendations will result in dog control not being maintained in the suggested area. Should a serious incident occur the Council could be open to criticism for failing to act when a problem area was highlighted.

14. Recommendation

- 14.1 To agree to go out to formal consultation on making a variation to the existing Public Spaces Protection Order.
- 14.2 To agree that the variation will include the footpaths running through land owned by The Grove to be included in the 'dogs must be kept on a lead' restriction.
- 14.3 To consider the results of the consultation at a future meeting of this Committee. Any final decision on making the variation would need to be referred to Council.

Report prepared by: Debra Sandling, Animal Control Enforcement Officer

Background Papers

Anti-Social Behaviour, Crime and Policing Act 2014

APPENDICES / ATTACHMENTS

Appendix 1 - Map of the suggested footpaths